REMARKS

Claims 1-12, and 14-58 are pending. The amendment to claim 1 is supported by the third paragraph of page 1.

I. 35 USC § 112

Claims 31, 32 and 44 stand rejected under 35 USC § 112, first paragraph, as allegedly failing to be supported by sufficient disclosure in the originally filed application. The Office Action asserts the "specification does not describe the joining of any layers by applying *only* heat (without melt-glue or pressure) or applying *only* melt-glue (without heat or pressure)" (emphasis added). However, the claims do not recite applying *only* heat or *only* melt-glue. As the specification teaches (1) the application of melt-glue (which may be accompanied by other steps/materials), (2) the application of heat (which may be accompanied by other steps/materials), and (3) the application of pressure (which may be accompanied by other steps/materials), the subject matter of each of claims 31, 32 and 44 are supported by the specification as required by 35 USC § 112, first paragraph. Reconsideration is respectfully requested.

II. 35 USC § 103

A. WO '906 in view of Mason, Berry et al., or Karam, and Mobius

Claims 1, 2, 4, 10-12, 14-17, and 24-36 stand rejected under 35 USC §103(a) as allegedly being unpatentable over WO 02/47906 in view of combinations of Mason (U.S. Patent No. 1,995,264), Berry et al. (U.S. Patent No. 4,406,455) Karam (U.S. Patent No. 6,485,823), Moebus (U.S. Patent No. 6,761,961), Luekel et al. (U.S. Patent No. 4,770,916), and Nowell et al. (U.S. Patent No. 4,885,659). The Office Action asserts the combined teachings of these references renders the rejected claims obvious.

The Office Action states that WO '906 teaches a method for making a decorative laminate, but fails to disclose a balance layer on the lower side of the core, for which purpose the various other references are cited. However, in light of the amendment to claim 1, reconsideration is respectfully requested.

Specifically, according to the present claims, the laminate is defined by an uppermost layer of abrasion resistant thermosetting laminate layer and dampening foil, while the bottom layer consists of the balance layer.

In contrast, the combination of teachings relied upon by the Office Action would produce a different product, i.e., having a bottom layer being something other than one consisting of the balance layer. As the purpose the lower layers (which, according to the Office Action are "identical/symmetrical" to the upper layers) is to provide the capability of reversing the product, if the lower side of the core comprises the balance layer, such is not possible. Thus, since the purpose of the secondary references would be defeated by making the claimed combination, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to produce the claimed product. Reconsideration is respectfully requested.

III. Double Patenting

Claims 1, 2, 4, 10-12, 14-17, 30-32 and 37-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 and 13-16 of U.S. Patent No. 6,893,713, in view of Mason, Berry et or Karam in further view of Moebus.

Claims 24-26, 29 and 33-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 and 13-16 of U.S. Patent No. 6,893,713, in view of Mason, Berry et or Karam and Moebus, in further view of Luekel et al.

Claims 24-26, 29 and 33-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 and 13-16 of U.S. Patent No. 6,893,713, in view of Mason, Berry et or Karam and Moebus, in further view of Nowell et al.

Claims 1, 2, 4, 10-12, 14-17, 30-32 and 37-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11

and 13-16 of U.S. Appl. No. 11/129,497, in view of Mason, Berry et or Karam in further view of Moebus.

Claims 24-26, 29 and 33-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 and 13-16 of U.S. Appl. No. 11/129,497, in view of Mason, Berry et or Karam and Moebus, in further view of Luekel et al.

Claims 24-26, 29 and 33-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 and 13-16 of U.S. Appl. No. 11/129,497, in view of Mason, Berry et or Karam and Moebus, in further view of Nowell et al.

The Office Action asserts the rejected claims are not patentably distinct from the claims of the '713 patent and/or the '497 application. However, in light of the arguments presented above, reconsideration is respectfully requested.

IV. Conclusion

As all rejections and objections have been overcome, Applicants respectfully request passage of this application to allowance. If any additional fee is necessary to make this paper timely and/or complete, it may be charged to the undersigned's deposit account number 19-4375.

Respectfully submitted,

TPP/EPR/mat
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